

WASHINGTON MUTUAL BANK
ITS SUCCESSORS AND/OR ASSIGNS ATIMA
P O BOX 100562
FLORENCE, SC 29501-0562

QUENTIN L MINGO
GWENDOLYN E MINGO
269-71 WATSON ST
DETROIT, MI 48201-2713

AMERICAN SECURITY INSURANCE COMPANY
PO Box 50355 Atlanta, GA 30302

HAZARD INSURANCE
CONFIRMATION OF CANCELLATION

Property Address: 269 -71 WATSON ST
DETROIT, MI 48206

Re: Loan Number: 8408844770

Dear Borrower:

Your Mortgagee lender has requested cancellation of the hazard insurance that was issued in compliance with your home mortgage agreement. This cancellation is effective at 12:01 a.m. on 01/28/2008. The reason for this cancellation is:

✓ You have paid off your mortgage and the mortgagee no longer has an interest in your home.

If you have any questions, please feel free to call your mortgage lender at 1-866-809-8726.

Sincerely,

Insurance Department

Chase (OEA-7593)
3415 Vision Drive
Columbus, OH 43219-6009



June 29, 2012

Gwendolyn E. Mingo
269-71 Watson Street
Detroit, MI 48201-2713

Re: Loan Number *****4770

Verification of Mortgage

Dear Gwendolyn E. Mingo:

As you requested, we are sending you the following information:

Borrower:
Quentin L. Mingo
Gwendolyn E. Mingo

Property Address:
269-71 Watson St

Detroit MI 48206-0000

Payment Information:
P and I Payment: \$0.00
Escrow Payment: \$257.95
Subsidy Payment: \$0.00
Total Monthly Payment: \$257.95
Next Due: 6/1/2006

Loan Information:
Loan Type: Conventional Without PMI
Origination Date: 11/26/1996
Original Loan Amount: \$228,000.00
Interest Rate: 6.071250
Maturity Date: 12/1/2026
Original Term: 360 months
Remaining Term: 247 months

Balance Information:
Principal Balance: \$0.00
Escrow Balance: \$0.00
Late Charges Due: \$0.00
Fees Due: \$0.00

If you provided a Verification of Mortgage (VOM) form with the original request, we are unable to complete and return it to you. However, we have enclosed the standard Chase VOM for your review.

We appreciate your business. If you have questions, please call us at the telephone number below.

Sincerely,

Chase
(800) 848-9136
(800) 582-8542 TDD / Text Telephone
www.chase.com
Enclosure
CC505

Court Address:
421 Madison Ave., Detroit, Michigan 48226

Court Phone:
(313) 965-5794

MADISON CAPITAL FUND, LLC,
Plaintiff

Case No. 18-345792 LT
Judge B. PENNIE MILLENDER

v.

Gwendolyn Mingo,
Alleged Defendant

TRIAL BY JURY DEMANDED

Eric K. Wein (P56893)
23077 Greenfield Rd., Ste 425
Southfield, Michigan 48075
(248) 559-6400
Attorney for Plaintiff

) Gwendolyn Mingo, In propria persona
) Authorized Representative for
) GWENDOLYN MINGO, Estate
) 269-71 Watson Street
) Detroit, Michigan 48201
) (586) 625-2127

ANSWER AND AFFIRMATIVE DEFENSES

COMES NOW Gwendolyn Mingo, In propria persona, authorized representative for the alleged defendant GWENDOLYN MINGO, Estate and timely files this answer and affirmative defenses via a sworn affidavit in response to matter. See attached affidavit.

Respectfully submitted,

Date: 3-12-2018


By: Gwendolyn Mingo, In propria persona
Authorized Representative
All Rights Explicitly Reserved.
269-71 Watson Street
Detroit, Michigan 48201
(586) 625-2127

Affidavit of Gwendolyn Mingo in Response to Case No. 18-345792 LT

Michigan State)
) ss.
Wayne County)

Before me, a duly commissioned Notary Public acting within and for the state and county aforesaid personally appeared Gwendolyn Mingo who, after being duly sworn as required by law, deposes and says:

I, Gwendolyn Mingo, herein Affiant, state and affirm under oath for verification and proceeding in good faith, and being of legal age and of sound mind, the following truth and facts in response to case no. 18-345792 LT:

I. BACKGROUND

1. I have first hand knowledge of all facts stated herein;
2. As a real party in interest I have authority to address this matter;
3. I am the rightful owner of the property/land commonly described as 269-71 Watson Street, Wayne County, Detroit, Michigan.

II. ANSWER

1. I **admit the allegation in line 1** of the alleged complaint; that there is no other pending or resolved civil action arising out of the same transaction or occurrence alleged in this complaint;
2. I **deny the allegation in line 2** of the alleged complaint;
3. I **deny the allegation in line 3** of the alleged complaint;
4. I **admit in part and deny in part the allegations in line 4** of the alleged complaint. I admit that I am in full possession of the property. I deny that I am a fictitious "defendant or occupant" named in this Action. I have not consented whether oral or implied to be a fictitious defendant, surety, guarantor, or construct of law in this Action. I am the real party in interest;
5. I **deny the allegation in line 5** of the alleged complaint.
6. I **deny the allegation in line 6** of the alleged complaint; not applicable.
7. I **deny the allegation in line 7** of the alleged complaint; there is not now, nor has there ever been any lease or occupancy agreement, written, oral or implied between me nor GWENDOLYN MINGO, Estate and Plaintiff MADISON CAPITAL FUND, LLC.

8. I admit in part and deny in part the allegations in line 8 of the alleged complaint. I admit that I am in full possession of the property. I deny that I am a fictitious "defendant or occupant" named in this Action. I have not consented whether oral or implied to be a fictitious defendant, surety, guarantor, or construct of law in this Action. I am the real party in interest.
9. I neither admit nor deny the allegations in line 9 of the Complaint; I lack the knowledge or information sufficient to form a belief as to the truth of the allegation.
10. I neither admit nor deny the allegation in line 10 of the Complaint; I lack the knowledge or information sufficient to form a belief as to the truth of the allegation.
11. I neither admit nor deny the allegation in line 11 of the Complaint; I lack the knowledge or information sufficient to form a belief as to the truth of the allegation.

II. AFFIRMATIVE DEFENSES

12. MRE 202(b): all judges and attorneys are required to take an oath to uphold the state and U.S. Constitutions.
13. Michigan Constitution, Article 1, Section 14. I have the right to a jury trial and hereby demand a trial by jury.
14. Michigan Constitution, Article 1, Section 17. I have to right to due process to stand against being wrongfully deprived of my property and I hereby demand that right.
15. Payment. No default ever existed on the terms of the mortgage contract involving the property/land commonly known as 269-71 Watson Street and the former mortgagors; the mortgage was paid in full in 2006. **See Exhibit 1**
16. Invalid/fraudulent alleged foreclosure and auction (violation of MCL 600.3204(1) (a)).
Manufacturers Hanover Mortgage Corp. v. Snell, 142 Mich.App. 548, 553, 370 N.W.2d 401, 404 (1985):

"[t]he [Michigan] Supreme Court has long held that the mortgagor may hold over after foreclosure by advertisement and test the validity of the sale in the summary proceeding." *Manufacturers Hanover Mortgage Corp. v. Snell*, 142 Mich.App. 548, 553, 370 N.W.2d 401, 404 (1985) (citing *Reid v. Rylander*, 270 Mich. 263, 267, 258 N.W. 630 (1935); *Gage v. Sanborn*, 106 Mich. 269, 279, 64 N.W. 32 (1895)). **"Otherwise, the typical mortgagor who faces an invalid foreclosure would be without remedy, being without the financial means to pursue the alternate course of filing an independent action to restrain or set aside the sale."** *Ibid.* (citing *Reid*, 270 Mich. at 267, 258 N.W. 630; 16 Michigan Law and Practice, Mortgages, § 174, pp. 438–39). (*Emphasis added*)

17. Plaintiff has failed to provide a real party in interest:

Attorney Eric K. Wein, agent for Plaintiff MADISON CAPITAL FUND, LLC is not a "real party in interest"; whereas Plaintiff MADISON CAPITAL FUND, LLC is not a "real party in interest"; a "real party in interest" **must** appear on record and be present in the courtroom in order for there to be any claims of injury or damages.

18. The complaint is signed by Attorney Eric K. Wein; and whereas the complaint **must be** brought by the "real party in interest". Attorney Eric K. Wein is a 3rd party who cannot act as a both a witness and counselor by testifying and entering evidence into the record; there must be a witness with **first hand knowledge of the facts** to testify. **See Trinsey v. Pagliaro**, D.C. Pa., 229 F. Supp. 647 (1964)

19. No sworn claim/ratification of commencement exists.

20. Plaintiff has failed to produce an injured party:

Plaintiff MADISON CAPITAL FUND, LLC is an invisible artificial person; a construct of law that exists on paper only under Michigan registration # E9144E; and whereas the U.S. Supreme Court has ruled that there exists no parity between real people and artificial persons. **See Penhallow v. Doanes**, 3 U.S. 54; 1 L. Ed. 507; 1795 U.S. LEXIS 329; 1999 AMC 2652; 3 Dall. 54

21. Plaintiff has failed to state a claim upon which relief may be granted.

12th

Affiant states nothing further,

Date: 3-18-2018

Gwendolyn Mingo
Gwendolyn Mingo

Subscribed and sworn before me this 12th day of March 2018.

WITNESS My Hand and Official Seal:

Notary Public Signature: *Anthony Bradley Jr.*

Notary Public Name: Anthony Bradley Jr.

My commission expires: Aug 2024

